

Order

Michigan Supreme Court
Lansing, Michigan

October 19, 2005

Clifford W. Taylor,
Chief Justice

129269 & (54)(64)(65)

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

DELORES MARIE DERROR,
Defendant-Appellee.

SC: 129269
COA: 258346
Grand Traverse CC:
04-009475-FH

On order of the Court, the motion to add issue is GRANTED. The application for leave to appeal the judgment of the Court of Appeals is considered, and it is GRANTED, limited to the issues whether carboxy THC is a schedule 1 controlled substance within the meaning of MCL 257.625(8) and whether, in a prosecution under MCL 257.625(4)(5) and (8), the prosecutor must prove beyond a reasonable doubt that defendant knew the ingestion of the controlled substance may cause intoxication. In all other respects, the application is DENIED.

The application for leave to appeal as cross-appellant is also considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court. The motion for stay is DENIED as moot, in light of the trial court already having granted a stay.

The Clerk of the Court is directed to place this case on the January 2006 session calendar for argument and submission. Appellant's brief and appendix must be filed no later than November 30, 2005, and appellee's brief and appendix, if appellee chooses to submit an appendix, must be filed no later than December 28, 2005.

We further ORDER that this case be argued and submitted to the Court together with the case of *People v Kurts* (Docket No. 129364).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 19, 2005

Corbin R. Davis

Clerk